

Rule 10. Notices, Instructions and Reports to Workers; Inspections

410 IAC 5-10-1 Scope of rule

Sec. 1. 410 IAC 5-10 establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with board inspections of licensees or registrants to ascertain compliance with the provisions of IC 13-1-2 and 410 IAC 5, orders and licenses issued thereunder regarding radiological working conditions. 410 IAC 5-10 apply *[sic.]* to all persons who receive, possess, use, own or transfer sources of radiation licensed by or registered with the board pursuant to 410 IAC 5-2 and 410 IAC 5-3.

410 IAC 5-10-2 Posting of documents for workers' examination

Sec. 2. (a) Each licensee or registrant shall post current copies of the following documents:

(1) 410 IAC 5-10 and 410 IAC 5-4;

(2) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;

(3) The operating procedures applicable to work under the license or registration;

(4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 410 IAC 5-1, and any response from the licensee or registrant.

(b) If posting of a document specified in 410 IAC 5-10-2(a)(1), (2), or (3) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(c) Board form X "Notice to Employees" shall be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area.

(d) Documents, notices or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Board documents posted pursuant to 410 IAC 5-10-2(a)(4) shall be posted within 5 working days after receipt of the documents from the board; the licensee's or registrant's response, if any, shall be posted within 5 working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

410 IAC 5-10-3 Instructions to workers

Sec. 3. (a) All individuals working in or frequenting any portion of a restricted area:

(1) Shall be kept informed of the storage, transfer, or use of sources of radiation in such portions of the restricted area;

(2) Shall be instructed in the health protection problems associated with exposure to such radiation or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(3) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of board rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition which may constitute, lead to or cause a violation of board rules and licenses or unnecessary exposure to sources of radiation;

(5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to sources of radiation; and

(6) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to 410 IAC 5-10-4.

(b) The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

410 IAC 5-10-4 Reports furnished to individual workers

Sec. 4. (a) Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in 410 IAC 5-10-4. The information reported shall include data and results obtained pursuant to board rules, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to 410 IAC 5-4-21. Each notification and report shall:

(1) Be in writing;

(2) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the

individual's social security number;

(3) Include the individual's exposure information; and

(4) Contain the following statement:

"This report is furnished to you under the provisions of 410 IAC 5-10. You should preserve this report for further reference."

(b) Each licensee or registrant shall advise each worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to 410 IAC 5-4-21(a) and (c).

(c) Each licensee or registrant shall furnish to each worker a report of the worker's exposure to radiation or radioactive material upon termination of employment. Such report shall be furnished within 30 days from the termination of employment or within 30 days after the exposure of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover each calendar quarter in which the worker's activities involved exposure to sources of radiation licensed by or radiation machines registered with the board and shall include the dates and locations of work under the license or registration in which the worker participated.

(d) When a licensee or registrant is required pursuant to 410 IAC 5-4-24 to report to the board any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on his exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the board.

(e) At the request of a worker who is terminating employment in a given calendar quarter with the licensee or registrant in work involving radiation dose or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's or registrant's facility in that calendar quarter, each licensee or registrant shall provide to each such worker or to the worker's designee at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during that specifically identified calendar quarter or fraction thereof, or provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.

410 IAC 5-10-5 Inspections by board; representatives of licensee, registrant, or workers

Sec. 5. (a) Each licensee or registrant shall afford to the board at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to 410 IAC 5.

(b) During an inspection, board inspectors may consult privately with workers as specified in 410 IAC 5-10-6. The licensee or registrant may accompany board inspectors during other phases of an inspection.

(c) If at the time of inspection an individual has been authorized by the workers to represent them during board inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in 410 IAC 5-10-3.

(e) Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany board inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, board inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

410 IAC 5-10-6 Inspectors consulting with workers

Sec. 6. (a) Board inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of board rules and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(b) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation

of IC 13-1-2, 410 IAC 5, or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of 410 IAC 5-10-7(a).

(c) The provisions of 410 IAC 5-10-6(b) shall not be interpreted as authorization to disregard instructions pursuant to 410 IAC 5-10-3.

410 IAC 5-10-7 Request for inspection by workers

Sec. 7. (a) Any worker or representative of workers who believes that a violation of IC 13-1-2, 410 IAC 5 or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the division of industrial hygiene and radiological health. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the division of industrial hygiene and radiological health no later than at the time of inspection.

(b) If upon receipt of such notice the director, division of industrial hygiene and radiological health, determines that the complaint meets the requirements set forth in 410 IAC 5-10-7(a), and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(c) No licensee or registrant or contractor or subcontractor of the licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under 410 IAC 5 or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by 410 IAC 5-10.

410 IAC 5-10-8 Inspection not warranted; informal review; notice

Sec. 8. (a) If the division of industrial hygiene and radiological health determines, with respect to a complaint under 410 IAC 5-10-7, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the division of industrial hygiene and radiological health shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the board who will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the board who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the board may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the board shall affirm, modify or reverse the determination of the division of industrial hygiene and radiological health and furnish the complainant and the licensee or registrant a written notification of his decision and the reason therefore.

(b) If the division of industrial hygiene and radiological health determines that an inspection is not warranted because the requirements of 410 IAC 5-10-7(a) have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of 410 IAC 5-10-7(a).